



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,332	11/07/2001	Sung-Oh Hwang	678-771 (P9940)	1503

28249 7590 10/06/2004

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
----------	--------------

2684

5

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,332

Applicant(s)

HWANG ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-27 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Toskala et al "Toskala" (6,650,905).

As to claim 1, Toskala discloses a method for determining transmission power of a second TFCI bit indicating transport format information of data on a downlink shared

Art Unit: 2684

channel in a mobile communication system including a UE existing in a handover region for plurality of node Bs (figure 10 and 13) , comprising:

Toskala discloses transmitting dedicated channel data of the node Bs including a first TFCI bit indicating transport format information of the dedicated channel data transmitted to the UE over dedicated channels, wherein at least a selected node B among the node Bs transmitting dedicated channel data including the first TFCI bit and the second TFCI bit over the dedicated channel and transmitting downlink shared channel data over the downlink shared channel (column 10, lines 15-43 and figure 13) and determining a transmission power level of the second TFCI bit of the selected node B to be higher than a ratio of transmission power of the first TFCI bit from node Bs transmitting only the dedicated channel data (based on SSDT and magnitude of signal strength the primary cell is selected, column 10 , lines 30-57 and figures 10 and 13).

As to claims 2-4,7-8 , Toskala discloses determined based on a type of the node Bs in an active set (column 4, lines 37-57).

As to claim 5, Toskala discloses the second TFCI bit is transmitted using a site selected diversity (SSDT) signal, (column 10 lines 19-43)

Claim 6, which recites the steps of implementing apparatus claim 1, is rejected for same reason as set forth in the claim. Further more, transmitting the power offset to the selected node B

As to claim 9,Toskala discloses the power offset of the second TFCI bit is determined based on CPICHs of the node Bs in an active set (column 10 lines 44-57).

As to claim 10, Toskala discloses the power offset of the second TFCI bit determined based on a type, a number and CPICHs of the node Bs in an active set (column 4, lines 44-57)

As to claims 11 and 13, Toskala discloses the power offset is transmitted using a feedback information field (column 10, lines 18-26).

As to claim 12, Toskala discloses the power offset is transmitted over the feedback information field using a site selected diversity SSDT signal (column 10, lines 18-44).

Claim 14, which recites the steps of implementing apparatus claim 1, is rejected for same reason as set forth in the claim.

As to claim 15, Toskala inherently discloses the power offset for the selected node B is transmitted using an NBAP application part message

As to claims 16-17, Toskala inherent discloses the power offset uses a radio link reconfiguration message among the NBAP message and set up message among the NBAP message.

Allowable Subject Matter

4. Claims 18-27 are allowed over the prior art. The following is a statement of reasons for the indication of allowable subject matter: Toskala et al does not specifically teach each of the TFCI fields including a first field where the first TFCI bit indicating transport format information of the dedicated channel data transmitted over the dedicated channel is located and a second field where the second TFCI bit

Art Unit: 2684

indicating transport format information of the downlink shared channel data transmitted over the dedicated shared channel is located .

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

Saints et al (6,374,085) discloses receive current window frame of forward link, adjust threshold based on previous unexecuted power control message and compare power of current window frame to adjusted threshold (figures 1 and 4).

Chheda et al (5,963,870) discloses the power control process switches IS-95 forward power control and fast forward control using either speed or handoff status information from the mobile radio telephone (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun Gesesse
Primary Examiner
US Patent and Trademark Office
Tel. # 703-308-5873

September 30, 2004



TILAHUN GESESSE
PATENT EXAMINER